

STEPHEN A. ZAPPALA, JR.  
DISTRICT ATTORNEY



OFFICE OF THE DISTRICT ATTORNEY

# County of Allegheny

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Ms. Christie Chabassol  
5419 Keepport Drive  
#3  
Pittsburgh, PA 15236

June 20, 2017

Douglas W. Burkholder  
Chief of Police  
Upper St. Clair Police Department  
1820 McLaughlin Run Road  
Upper St. Clair, PA 15241-2332

In re: OOR Dkt. AP 2017-1037; Christie Chabassol v. Upper St. Clair  
Township

Dear Ms. Chabassol and Chief Burkholder:

I am the Open Records Appeals officer for Allegheny County. On June 17, 2017 I received a referral from the Office of Open Records in the referenced case. The parties are familiar with the procedure. In explaining why it denied requester's request for "dash cam footage and all other recorded media," Upper St. Clair, through Lieutenant Curtis J. Gallatin, submitted an affidavit to OOR in which it asserted that "[t]he requested dash cam videos (sic) demonstrates the procedure used by an officer when approaching a vehicle during a traffic stop and illustrates the time it takes for backup to arrive and/or whether backup does arrive." It goes on to assert that "[p]rior knowledge of this information by an offender who has pre-planned his encounter with a police officer would place the officer at greater risk due to the

offender's informed anticipation of the officer's actions and responses and an informed anticipation as to the length of time before back up would arrive." Upper St. Clair claimed an exemption under 65 P.S. §67.708(b)(16). The OOR directed me to consider that claimed exemption in light of *Pa. State Police v. Grove*, 119 A.3d 1102 (Pa. Cmth. 2015) *appeal granted*, 133 A.3d 282 (Pa. 2016).

I have read the decision and must affirm the claimed exemption with the statement that I realize this is a close case.

As a result, I must decline Ms. Chabassol's request and affirm Upper St. Clair's denial of access. Please be advised that pursuant to Section 65 P.S. §67.1302 the parties have 30 days to appeal my decision to the Court of Common Pleas of Allegheny County.

Very truly yours,

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Michael W. Streily  
Deputy District Attorney  
Open Records Appeals Officer